

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

CIVIL ACTION NO.: 05-11652 WGY

**DEFENDANT AMERICAN AIRLINES, INC.'S REQUEST TO MOVE TRIAL READY
DATE FROM JANUARY 2, 2007 TO JANUARY 4, 2007 DUE TO JURY SELECTION
ON JANUARY 3, 2007 BEFORE THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF VERMONT AND TO REFRAIN FROM CALLING MATTER TO TRIAL
BETWEEN JANUARY 16, 2007 AND FEBRUARY 1, 2007**

Defendant American Airlines, Inc. ("American") moves to continue the trial ready date in this matter from January 2, 2007 to January 4, 2007 because its counsel, Michael A. Fitzhugh, has been ordered to appear for jury selection on January 3, 2007 in connection with a trial commencing on January 16, 2007 before the United States District Court for the District of Vermont, and its co-counsel, Amy Cashore Mariani, is scheduled to deliver by caesarean section on December 26, 2006. Defendant further requests that this Court refrain from ordering the parties to trial in this matter during the pendency of the trial occurring in the United States District Court for the District of Vermont. That trial shall commence on January 16, 2007 and is expected to last two weeks. A copy of the order scheduling jury selection and trial before the United States District Court for the District of Vermont is attached hereto as Exhibit A.

Respectfully submitted,
AMERICAN AIRLINES, INC.
By its Attorneys,

/s/ Amy Cashore Mariani

Michael A. Fitzhugh, (BBO 169700)
Amy Cashore Mariani, (BBO #630160)
FITZHUGH, PARKER & ALVARO LLP
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 21, 2006.

/s/ Amy Cashore Mariani
Amy Cashore Mariani

CERTIFICATE OF CONFERENCE

I hereby certify that on November, 16, 2006 at 10:37 a.m., I forwarded a copy of the instant motion to Attorney Michael Kirkpatrick via electronic mail and requested a conference to be held before 5:00 p.m. on November 20, 2006 to discuss any issues brought by Plaintiff with regard to this submission. On November 20, 2006, Attorney Kirkpatrick informed me that he had no objection to continuing the trial ready date in this matter until January 4, 2007, but that he would object to Defendant's request for protection from trial from January 16th until January 30th, 2007.

/s/ Amy Cashore Mariani
Amy Cashore Mariani

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**U.S. District Court
District of Vermont (Brattleboro)
CIVIL DOCKET FOR CASE #: 1:04-cv-00275-jgm**

Fab-Tech, Inc. v. E.I. Du Pont
Assigned to: Hon. J. Garvan Murtha
Demand: \$0
Case in other court: Chittenden Superior, :00- -00000
Cause: 28:1441 Notice of Removal-Breach of Contract

Date Filed: 10/13/2004
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Fab-Tech, Inc.

represented by **Michael L. Burak**
Burak, Anderson & Melloni, PLC
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(802) 862-0500
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**E. I. Du Pont De Nemours &
Company**

represented by **Edward P. O'Leary**
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Date Filed	#	Docket Text
11/09/2006	101	MINUTE ENTRY for proceedings held before Judge J. Garvan Murtha: Final Pretrial Conference held in chambers on 11/9/2006. Michael Burak, Esq. and Scott Fewell, Esq. present for pltf. Michael Fitzhugh, Esq. and Edward O'Leary, Esq. present for dfis. Statements by counsel. ORDERED: Jury draw of 11/14/2006 to be continued until 1/3/2007. Evidence to begin 1/16/2007. (Court Reporter Coughlin) (kak) (Entered: 11/09/2006)